IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 2563 of 2005(E)

PETITIONER:
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1. **C.V. MARKOSE, CHEMBANKUZHI MATTATHIL, POTHEN PURAM P.O., PAMPADY, BRANCH MANAGER, PAMPADY SERVICE CO-OPERATIVE BANK LTD.NO.831.**

2. **K.V. SUKUMARAN, KAIYHAMATTAM, VATTAKUNNU P.O., VIA MEENADOM, KOTTAYAM, BRANCH MANAGER, PAMPADY SERVICE CO-OPERATIVE BANK LTD.NO.831.**

3. **KOMALAVALLIYAMMA, USHUS, POOTHAKUZHI P.O., PAMPADY, MANAGER, PAMPADY SERVICE CO-OPERATIVE BANK LTD.NO.831.**

BY ADV. SRI.P.RAVINDRA BABU

RESPONDENTS:
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1. **THE PAMPADY SERVICE CO-OPERATIVE BANK LTD.NO.831, PAMPADY SOUTH P.O., KOTTAYAM, REPRESENTED BY ITS SECRETARY.**

2. **THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOTTAYAM.**

3. **THE REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.**

4. **STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT., CO-OPERATION (C) DEPARTMENT, THIRUVANANTHAPURAM.**

5. **NINAN. V. ABRAHAM, VELLIANKUNNEL HOUSE SOUTH PAMPADY P.O., KOTTAYAM DISTRICT.**

BY ADV. SRI.P.N.MOHANAN
SRI.T.A.SHAJI
BY GOVERNMENT PLEADER SRMT.K.R.DEEPA
BY ADV.SRI.T.R.HARIKUMAR S.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/04/2007, ALONG WITH WPC NO. 806 OF 2005 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.2563/2005

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PROCEEDINGS ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE 3RD RESPONDENT'S ORDER SETTING ASIDE EXT.P1.

EXT.P3:- COPY OF THE GOVERNMENT ORDER SETTING ASIDE EXT.P2.

EXT.P4:- COPY OF THE ORDER DT.8.1.2002 OF TRHE 4TH RESPONDENT.

EXT.P5:- COPY OF THE JUDGMENT DT.3.12.03 IN OP. NO.25138/98.

EXT.P6:- COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DT. 26.2.04 IN OP. NO.6538/02.

EXT.P7:- COPY OF THE IMPUGNED ORDER OF THE GOVERNMENT DT.4.11.04.

E.XT.P8:- COPY OF THE NOTICE ISSUED TO THE 1ST PETITIONER.

EXT.P5:- COPY OF THE NOTICE ISSUED TO THE 2ND PETITIONER.

EXT.P10:- COPY OF THE NOTICE ISSUED TO THE 3RD PETITIONER.

EXT.P11:- COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT.

/TRUE COPY/

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KURIAN JOSEPH, J.

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W.P.(C)Nos.2563 & 806 OF 2005

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Dated this the 2nd day of April 2007

JUDGMENT

The issue raised in these writ petitions is whether the petitioner/Service Co-operative Bank is entitled to have 31 posts. The member of the Bank contented that the revised classification having come into effect in 1992 itself, the Bank was not entitled to have 31 posts. The stand taken by the Bank and the beneficiary employees was that the revised classification was introduced only with effect from 3.4.1998 and hence they are entitled to have the benefit of pre-revised norms in the matter of classification. It is seen that at the instance of the party respondent the matter was examined by this court leading to Ext.P5 judgment in O.P.6538/02. This court in the judgment set aside the order passed by the Government on the only ground that there was no material available and there was no finding by the Government regarding the introduction of the revised norms with effect from 3.4.1998.

To quote,

> "I am prima facie satisfied that the classification introducing revised norms in 1992 was implemented in 1992 itself. The finding that the same was implemented only on 3..1998, is not supported by any material. Therefore, Ext.P4 is quashed. The matter is remitted to the Government for determination of the above disputed point, after hearing the petitioner and the 4th respondent in accordance with law, within two months from the date of receipt of a copy of this judgment."

2. The consequential order dated 4.11.04 passed by the Government is under challenge. The stand of the Government is that "it is true that the revised norms were made effective only from 3.4.98." On the basis of the above finding, there is hardly any scope for the Government to go farther on the issue and consider the matter on merits since all those aspects are covered by Ext.P5 judgment referred to above. The limited jurisdiction available to the Government as per Ext.P5 judgment is only to examine the date of application of the revised norms. The Government having found that the norms were introduced only on 3.4.1998, the inevitable

consequential order that should have been passed is only to uphold the order passed by the Joint Registrar.

3. I quash the impugned orders. Bank shall be entitled to have the benefit of pre-revised amounts in the matter of classification and hence Ext.P1 is restored. It is declared that the petitioners shall be entitled to the benefit of Ext.P1 order dated 12.12.97.

Writ petitions are disposed of.

KURIAN JOSEPH, JUDGE

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